

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

MICHAEL MABRY,

Plaintiff,

v.

PNC BANK, NATIONAL ASSOCIATION,

Defendant.

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Case No. 4:12cv638
(Judge Clark/Judge Mazzant)

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 15, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that PNC Bank, National Association's Motion to Dismiss Plaintiff's First Amended Complaint [Doc. #14] be denied. Defendant filed objections on January 29, 2013 [Doc. #21].

The court, having made a *de novo* review of the objections raised by defendant [Doc. #21], is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

It is, therefore, **ORDERED** that PNC Bank, National Association's Motion to Dismiss Plaintiff's First Amended Complaint [Doc. #14] is DENIED.

So **ORDERED** and **SIGNED** on February 18, 2013.



Ron Clark
United States District Judge